

in this application under 35 U.S.C. § 121. These alleged inventions included an invention VI of claims 64-80 drawn to cross-linked adhesive compositions, an and invention VII of claim 84 drawn to a transdermal. Claims 86-92 were added to this application along with claim 84 as corresponding to that same invention, obviously with the Examiner's approval, since no further restriction requirements were issued in this case. Claims corresponding to claims 64-80 are now present in co-pending application No. 09/754,909.

The Examiner's attention is thus directed to the provisions of 35 U.S.C. § 121 in which it is specifically stated that the patent issuing on an application with respect to which a requirement for restriction had been made, shall not be used as a reference against a divisional application or against the original application or any patent issued on either of them if the divisional application is filed before the issuance of the patent on the other application. See M.P.E.P § 804.01.

It is believed to be clear beyond question that citation of Application Serial No. 09/754,909 against this application, or vice versa, is entirely inappropriate.

It is therefore once again asserted that this application is clearly in condition for allowance, and such action is therefore respectfully solicited. However, if for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at 908-654-5000 in order to overcome any further objections that the Examiner may have thereto.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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